

## Message Text

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65

ACTION SMI-01

INFO OCT-01 NEA-10 ISO-00 OES-03 ABF-01 FS-01 /017 W

----- 051860

R 121442Z FEB 76

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC 1669

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FOR SMI/ ROBINSON

E.O. 11652: N/A

TAGS: OSCI, TBIO, TS

SUBJ: SMI/SFCP/MMSC--BACCAR CASE

1.SMI LAWYER DAKHLAOU HAS REQUESTED EMBASSY ATTESTATION TO EFFECT THAT MMSC WAS NEVER CONCEIVED TO BE A PERMANENT INSTITUTION. ATTESTATION NEEDED TO COUNTER BACCAR LAWYER CONTENTION THAT 1966 SMI/GOT AGREEMENT ESTABLISHING MMSC WAS OF PERMANENT, NOT TEMPORARY, NATURE. DAKHLAOU HAS CITED TEMPORARY CLAUSE IN WORK CONTRACT AS WELL AS ANNUAL CONGRESSIONAL FUNDING REQUIREMENT LAID OUT SMI DOCUMENT "ADMINISTRATION OF SMI FOREIGN CURRENCY GRANTS" IN PREVIOUS BRIEFS.

2. IN RESPONSE DAKHLAOU REQUEST, EMBASSY PROPOSES TO PROVIDE ATTESTATION IN FRENCH OF FOLLOWING TEXT: QUOTE ON BEHALF OF THE UNITED STATES GOVERNMENT AND THE SMITHSONIAN INSTITUTION, THE EMBASSY OF THE UNITED STATES AFFIRMS THAT THE JOINT AMERICAN/TUNISIAN SCIENTIFIC RESEARCH CENTER, ENTITLED THE MEDITERRANEAN MARINE SORTING CENTER, WAS, SINCE ITS INCEPTION, A TEMPORARY PROJECT, RELAYING UPON ANNUAL GRANTS FROM THE SMITHSONIAN INSTITUTION AND SUBJECT TO ANNUAL APPROPRIATIONS FROM THE US CONGRESS. THE SMITHSONIAN INSTITUTION WAS ABLE TO RENEW THIS PROJECT, ANNUALLY, FROM 1966 UNTIL 1975. BUDGETARY CONSIDERATIONS, HOWEVER, DID NOT PERMIT THE RENEWAL OF THE GRANT BEYOND JUNE 30, 1975, AT WHICH TIME THE PROJECT AND ITS DEPENDENT, THE LIMITED OFFICIAL USE

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MEDITERRANEAN MARINE SORTING CENTER, CEASED TO EXIST. IN

A DIPLOMATIC NOTE, DATED AUGUST 15, 1975, THE EMBASSY  
OUTLINED THE HISTORY OF THE PROJECT AND NOTIFIED THE  
TUNISIAN GOVERNMENT OF ITS TERMINATION.

THE EMBASSY ALSO AFFIRMS THAT UNITED STATES LAW DOES  
NOT PERMIT US AGENCIES TO ENGAGE IN PERMANENT COMMITMENTS  
UNDER THE SPECIAL FOREIGN CURRENCY COLLABORATIVE RESEARCH  
PROGRAM. UNQUOTE.

3. ACTION REQUESTED: (A) BY RETURN CABLE, PLS GIVE  
CONCURRENCE FOR ABOVE TEXT, OR PROVIDE CHANGES. (B)  
ADVISE WHETHER VARIOUS LEGAL BRIEFS, ARGUMENTS, ETC.,  
SHOULD BE FORWARDED TO SMI.  
SEELYE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SCIENTIFIC GRANTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976TUNIS01008  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 21 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <21 JUN 2004 by ellisoob>; APPROVED <01 JUL 2004 by morefirh>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SMI/SFCP/MMSC--BACCAR CASE  
**TAGS:** OSCI, TBIO, TS, SMI  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006